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Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Programme budget for the biennium 2018–2019

Administration of justice at the United Nations

Administration of justice at the United Nations and activities of the Office of the Ombudsman and Mediation Services

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the administration of justice at the United Nations (A/73/217 and A/73/217/Add.1) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/73/167). The Committee also had before it the report of the Internal Justice Council on the administration of justice at the United Nations (A/73/218). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 2 October 2018.

2. The report of the Secretary-General on the administration of justice provides information on the functioning of the formal system for the calendar year 2017, as well as caseload statistics and observations on the operation of the system. The report also responds to specific requests of the General Assembly contained in its resolution 72/256 (see A/73/217, paras. 65–105). The report on the activities of the Office of the United Nations Ombudsman and Mediation Services provides information on the activities of the Office in 2017.

3. The present report contains the observations and comments of the Advisory Committee on the above reports of the Secretary-General. In section II, the Committee provides its recommendations on the administration of justice and on the

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responses of the Secretary-General to the requests of the General Assembly in its resolution 72/256, including the proposed addition of three permanent judges in lieu of the current three ad litem judges. Section III contains the recommendations of the Committee with respect to the Office of the United Nations Ombudsman and Mediation Services, in particular a proposal to initiate a pilot project by the Secretary-General to offer access to its services to non-staff personnel. Section IV discusses other proposals of the Secretary-General, such as the proposed change from annual to biennial reporting on the system of administration of justice.

4. With respect to the presentation of the report of the Secretary-General on the administration of justice at the United Nations, the Advisory Committee was informed that concerted efforts had been made to streamline the presentation of information and reduce the overall size of the report, with background information on the roles of the respective offices and elements within the system summarized in annex I to the report. The Secretary-General indicates that this will be a feature of his future reports. **The Advisory Committee commends the Secretary-General for his efforts aimed at streamlining and improving the presentation of his report.**

5. In addition, the addendum to the report of the Secretary-General (A/73/217/Add.1) contains proposed amendments to the statute of the United Nations Appeals Tribunal in relation to the jurisdiction of the Appeals Tribunal over decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board. **The Advisory Committee notes that the addendum and the legal aspects of the related reports of the Secretary-General on the administration of justice would be considered by the Sixth Committee during the current session[1] (see also the forthcoming report of the Advisory Committee on the United Nations Joint Staff Pension Fund, to be submitted during the current session).**

II. Formal system of administration of justice at the United Nations

6. The report of the Secretary-General on the administration of justice presents a review of the functioning of the formal system of administration of justice in 2017, including statistics pertaining to the latest caseload of the different entities within the system: the Management Evaluation Unit, the United Nations Dispute Tribunal, the United Nations Appeals Tribunal and the Office of Staff Legal Assistance (see A/73/217, paras. 3–64).

Trends in caseload

7. Aggregate incoming caseload data for the period from 2009 to 2017 are reflected in tables 1, 4, 7 and 10 of the report of the Secretary-General. The Secretary-General states that the review of the data contained therein indicates that there have been some fluctuations from year to year (ibid., paras. 3 and 4). Compared with that of 2016, the incoming caseload of the Dispute Tribunal in 2017 remained stable (383 applications compared with 382), while the caseload of the Appeals Tribunal decreased (from 170 applications to 88). The Advisory Committee notes that the decrease in the caseload of the Appeals Tribunal is due in part to the reduced rate of disposal by the Dispute Tribunal (see para. 11 below).

[1] In paragraph 37 of General Assembly resolution 72/256 and earlier resolutions on the administration of justice, the Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibility for administrative and budgetary matters.

8. The requests received by the Management Evaluation Unit and the Office of Staff Legal Assistance significantly increased (from 944 to 1,888 and from 1,756 to 4,147, respectively) over the same period. The report states that this increase was the result of several group or cluster cases relating to the implementation of the unified salary scale and changes to the post adjustment for several duty stations. The Secretary-General confirms that there continues to be a nexus between decisions that affect large numbers of staff members and the frequency of recourse by staff to the formal system (ibid., paras. 3–6). He also indicates that, system-wide in 2017, efforts to resolve applications in the formal system through informal means continued and that 74 per cent of the total of 2,143 requests for management evaluation received in 2017 did not proceed to the Dispute Tribunal (ibid., para. 11 and table 1).

9. With respect to the trends in the formal system since its inception, the Advisory Committee was informed upon enquiry that the data generated over the nine years indicate first and foremost that the formal element of the system received a sustained caseload over this period and that, in a dynamic organization focusing on efficiency and mandate delivery and going through reform processes, it is to be expected that there will continue to be a sustained caseload would for the foreseeable future.

10. **The Advisory Committee notes that the level of activity for the period from 2009 to 2017 fluctuates from year to year depending on the entity of the system. The Committee considers that continued analysis of the trends in caseload would be merited, in order to assess whether the formal system is stabilizing or not. The Committee trusts that the Secretary-General will continue to collect and report on statistics pertaining to the caseload of the different entities within the system (see A/70/420, para. 8).**

Functioning of the United Nations Dispute and Appeals Tribunals

11. The Secretary-General reports that, while the incoming caseload for the Dispute Tribunal remained stable in 2017, the Tribunal issued the lowest number of judgments (100) in 2017 since 2009, including in years when there were judicial vacancies. The number of applications that were disposed of by the Tribunal also decreased: a total of 268 applications in 2017,[2] compared with 401 applications in 2016, 480 in 2015, 320 in 2014 and 325 in 2013. Consequently, the number of pending applications is increasing, with 372 applications brought over to 2018 (an increase of 44 per cent compared with 2016), which is the highest number of pending applications at year end since the system was introduced in 2009. The Advisory Committee notes that, as a result of the reduced number of judgments, the number of appeals of Dispute Tribunal judgments before the Appeals Tribunal decreased from 148 in 2016 to 54 in 2017 (see A/73/217, paras. 13, 14 and 16).

12. It is further reported that in 2017 the Appeals Tribunal continued to dispose of cases and to issue judgments in numbers that are consistent with prior years. As a result, the total number of cases pending before the Appeals Tribunal at the end of 2017 decreased to 40, the lowest number since it began operations (ibid., para. 16).

13. The Secretary-General recalls that in 2016 the General Assembly amended the statutes of the Dispute Tribunal and the Appeals Tribunal to allow for the authority of the President of each Tribunal to monitor the timely delivery of judgments. However, he states that the Assembly may wish to consider whether further monitoring of the

[2] Applications filed for suspension of action are seen as having an impact on the work of the Dispute Tribunal and all offices and entities involved, especially if several requests are filed at the same time, such as when field missions are closing. Requests for suspension of the implementation of a contested administrative decision require the Dispute Tribunal to consider the application within five days from the service of the application on the respondent (see A/73/217, paras. 14 and 25 and footnote 1).

matter by the Assembly or the Internal Justice Council may be necessary. It is indicated that such reporting by the Internal Justice Council would be consistent with its terms of reference to provide its views on the implementation of the system of administration of justice to the Assembly (ibid., para. 15).

14. Upon enquiry, the Advisory Committee was informed that, without prejudice to the independence of the Dispute Tribunal, the Principal Registrar and the Registries continued to propose to the judges practical means for reducing the backlog, such as a backlog reduction plan based on the use of better data, to be generated from a dashboard which would keep track of the cases at different stages. The Committee was also informed that the Information Technology Officer of the Office of Administration of Justice was also supporting the Tribunal by enhancing the functionality of the court case management system in areas identified by the Tribunal. Additional measures to enhance judicial and operational efficiency of the Tribunal have been put forward by the Internal Justice Council (see A/73/218, sect. II.F). **Taking into account the information in paragraphs 11 to 13 above, the Advisory Committee notes that additional measures may be necessary, including the establishment of a backlog reduction plan with a real-time case-tracking dashboard and performance indicators on disposal of caseload.**

15. In addition, the Advisory Committee was informed upon enquiry that actions to enhance judicial efficiency could arise from the adoption of new provisions of the rules of procedure and other issuances of the Tribunal, including additional timelines for the different stages of the proceedings. Currently, while there are timelines for the applicant and the respondent to make their respective submissions, there is no provision for when the case should be acted on by the assigned judge; therefore, in some instances, many months may pass before the first judicial action is taken in a particular case. **The Advisory Committee notes that there are legal issues outside its purview that may need to be addressed.**

Resource requirements for 2019 for the United Nations Dispute Tribunal

16. In terms of resource requirements for the Dispute Tribunal for 2019, the Secretary-General proposes three new permanent judicial positions in lieu of the current ad litem judicial positions (see also para. 23 below). The Dispute Tribunal is at present composed of one full-time and one ad litem judge at each of the three Tribunal duty stations (New York, Geneva and Nairobi), as well as two half-time judges. The Advisory Committee recalls that, prior to the establishment of the current system on 1 July 2009 and with the expressed purpose of clearing a backlog of remaining cases carried over from the previous system, the Secretary-General proposed that three ad litem judges and additional registry staffing be provided for the Dispute Tribunal for one year (see A/62/7/Add.39, para. 6). The General Assembly decided to appoint three ad litem judges to the Dispute Tribunal for a period of one year as a transitional measure.[3]

17. The Secretary-General indicates that, notwithstanding the original intention of the Assembly that the three ad litem judge positions would be a transitional measure, it has extended these positions for a cumulative period totalling nine years and six months as at 31 December 2018.[4] The Secretary-General further indicates that, while article 4.4 of the statute of the Dispute Tribunal provides that its judges shall be appointed for one non-renewable term of seven years, its statute and rules of procedure contain no provisions governing the status or terms of the appointment of ad litem judges. As a result of the repeated extensions, one current ad litem judge exceeded seven years of service in July 2016 (and will have reached a cumulative

[3] See General Assembly resolution 63/253, paras. 48 and 49.

[4] See General Assembly resolution 72/256, para. 32.

term of nine and a half years on 31 December 2018) and another current ad litem judge would exceed seven years of service in April 2019 if that appointment were to be extended for another year (see A/73/217, paras. 85–87). **The Advisory Committee considers that the terms of appointment of the ad litem judges should not exceed that of the full-time judges appointed to permanent positions (one non-renewable term of seven years).**

18. In paragraph 32 of resolution 72/256, the General Assembly requested the Secretary-General to provide further information, in consultation with the relevant stakeholders, regarding the implication of the establishment of three new permanent judges in the Dispute Tribunal, in lieu of ad litem judges, in order for a decision to be taken on that issue at its seventy-third session. In his report, the Secretary-General points out that, should there be a consistent decline in the Dispute Tribunal's caseload following the creation of three new judicial positions, given the staggered appointment dates of the judges,[5] the Assembly would have the flexibility to evaluate the need for continuation of each judicial position when each term expires (see A/73/217, para. 90).

19. In response to its query concerning the feasibility of adding permanent full-time judge positions while maintaining limited ad litem positions, the Advisory Committee was informed, inter alia, that in the view of the Office of the Administration of Justice, none of the legal concerns associated with the extension of ad litem positions would be addressed through such an arrangement. Should the General Assembly decide to create any permanent judicial positions in lieu of the ad litem positions, the Secretary-General would urge the Assembly to create a sufficient number of such permanent positions, taking into consideration the locations with the highest caseloads. Geneva and Nairobi have each had more incoming cases than New York in the past five years (see A/73/217, table 5). It was indicated to the Committee that this trend was consistent with the case data for 2018: the caseload has noticeably increased in Geneva and Nairobi (from 1 January to 31 August 2018, the Dispute Tribunal registries received 95, 90 and 34 new applications in Geneva, Nairobi and New York, respectively). The two half-time judges can be deployed, as necessary, to address the caseload in any of the three locations of the Dispute Tribunal.

20. **Bearing in mind the rationale for establishing additional permanent full-time judicial positions in lieu of ad litem ones and in view of the higher overall level of activity in both Geneva and Nairobi since 2014, which is consistent with the number of applications received, disposed of and pending, the Advisory Committee recommends that the General Assembly (a) approve the addition of two permanent full-time judges in lieu of the two existing ad litem judges to the Dispute Tribunal at those locations (Geneva and Nairobi) as at 1 January 2020; and (b) pending the nomination of candidates by the Internal Justice Council and the election of the two permanent full-time judges by the Assembly, extend the two ad litem judge positions in Geneva and Nairobi up to 31 December 2019.**

21. **In view of the lower overall caseload and the level of activity in New York and the availability of two half-time judges to the Dispute Tribunal, the Committee recommends against the extension of the ad litem judge position in New York beyond 2018 and that any costs associated with the position proposed for 2019 should be deducted accordingly. The Committee therefore recommends that the General Assembly amend article 4.1 of the statute of the Tribunal to read**

[5] The Advisory Committee was informed upon enquiry that, of the five judges (three full-time and two half-time), the terms for two will end by 30 June 2019 and the terms for the other three by 30 June 2023.

"The Dispute Tribunal shall be composed of five full-time judges and two half-time judges".

22. The Secretary-General also proposes the establishment, starting on 1 January 2019, of six posts (3 Legal Officers and 3 Legal Assistants)[6] in lieu of the six positions currently financed under general temporary assistance to support the proposed three new permanent full-time judges. Upon enquiry, the Advisory Committee was informed that the Secretary-General was requesting the General Assembly to convert the current six temporary positions, notwithstanding any future decision of the Assembly on the number of additional permanent judges. It was indicated to the Committee that support staff played a critical role in case intake, processing and preparation of case files, communication with the parties, conduct of legal research, provision of legal advice and preparation of drafts for the judges. Furthermore, staff in a duty station where no new permanent judicial positions were to be created would provide essential assistance and support to the half-time judges, who had no dedicated support at present. **In connection with its recommendations contained in paragraphs 20 and 21 above, the Advisory Committee recommends the approval of two new Legal Officer posts (P-3), one in each of Geneva and Nairobi, one Legal Assistant post (General Service (Other level)) in Geneva and one Legal Assistant post (General Service (Local level)) in Nairobi in lieu of general temporary assistance positions. Concerning the staffing requirements in New York, the Committee recommends that the two positions (1 P-3 and 1 GS (Other Level)) remain under general temporary assistance.**

23. The Secretary-General indicates that his proposal contains no financial implications: regardless of whether the judges are ad litem or permanent, the related amounts of resource requirements would be the same, given that their remuneration level would remain the same. Similarly, there would be no difference in resource requirements related to the support staff, whether they served under general temporary assistance positions or established posts (see A/73/217, para. 89). Information on the proposed resource requirements of $1,495,400 (net) for 2019 is provided in section V of the report of the Secretary-General.[7]

24. Upon enquiry, the Advisory Committee was informed that the initial appropriation approved by the General Assembly included the provision for the three ad litem judges and their support staff (3 P-3 and 3 General Service positions) only for 2018. Therefore, options to extend the existing three ad litem judges and the six general temporary assistance positions for 2019, or to create three permanent judges and convert the six general temporary assistance positions into posts, would entail additional costs over and above the initial appropriation for the biennium 2018–2019. **Subject to its recommendation in paragraph 21 above, the Advisory Committee recommends a reduction of $277,400 to the proposed resource requirements for 2019.**

Roster of candidates for judicial positions in the United Nations Dispute and Appeals Tribunals

25. The Secretary-General also recommends that the General Assembly invite the Internal Justice Council to consider creating a formal roster of fully qualified and

[6] Three Legal Officer posts (P-3), one in each of Geneva, Nairobi and New York, two Legal Assistant posts (General Service (Other level)), one in each of Geneva and New York, and one Legal Assistant post (General Service (local level)) in Nairobi, in the Dispute Tribunal Registries (see A/73/217, para. 120 (e)).

[7] The Advisory Committee was informed upon enquiry that since the proposal of the Secretary-General was to convert the currently existing general temporary assistance positions into posts, vacancy rates applicable for continuing posts (i.e. 11.5 per cent for Professional and above, and 8.7 per cent for General Service) had been applied in calculating the post costs.

suitable candidates for judicial positions so that it can swiftly make recommendations to fill judicial posts at either Tribunal without the need to undertake a full recruitment exercise (see A/73/217, paras. 118 and 120 (j)). Upon enquiry, the Advisory Committee was informed that, while respecting the exclusive mandate of the Internal Justice Council in the process of identifying suitable candidates for judicial appointments, the Secretary-General was of the view that a roster of candidates could assist the Assembly in addressing judicial vacancies. The Committee was further informed that the Assembly had made no decision on the recommendations of the Council contained in its previous report (see A/70/190, para. 35), and that the 2018 report of the Council contained no related recommendation concerning the establishment of a roster; rather, the Council recommended for appointment only those candidates who had been found suitable by the Council following a fully fledged recruitment exercise undertaken in the first half of 2018 (see A/73/218, para. 6).

26. **The Advisory Committee is not convinced of the need to establish a formal roster of candidates for a very limited number of judicial positions, given that permanent judges are appointed for a term of seven years. Recourse to the roster would only be required infrequently, making it a challenge to keep the list of pre-vetted candidates up to date. Instead, the Committee stresses that alternative options should be explored to ensure that judicial vacancies are filled in a timely and expeditious manner.**

Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

27. The voluntary supplemental funding mechanism is currently experimental and approved on an annual basis to supplement the funding of the Office of Staff Legal Assistance.[8] In its resolution 72/256, the General Assembly decided again to extend the experimental period for one year, from 1 January to 31 December 2018, and requested the Secretary-General to provide further information, in consultation with the relevant stakeholders, regarding the implications of the regularization of the voluntary staff funding mechanism in order to take a decision on the issue of the financing of the Office at its seventy-third session. The Assembly has underscored that regularizing the voluntary staff funding mechanism, if approved, shall not affect the nature of the funding of the Office of Staff Legal Assistance.[9]

28. The Secretary-General notes that, because of the uncertainty of continued funding of this mechanism, in practice staff can be hired only on a temporary basis. Extending the mechanism on an indefinite basis, until the Assembly decides otherwise, would therefore enable the recruitment of staff on a longer-term basis. The advantages associated with this change are described in paragraph 80 of the report of the Secretary-General (A/73/217). The Secretary-General accordingly requests that the mechanism be extended on an indefinite basis, without prejudice to a determination as to whether expenditures incurred pursuant to the Office's mandate constitute "expenses of the Organization" within the meaning of article 17 of the Charter of the United Nations.

29. On a related matter, pursuant to paragraphs 29 to 31 of resolution 72/256, the report of the Secretary-General provides information on efforts undertaken to encourage staff members to contribute to the voluntary mechanism, including a letter from the Chef de Cabinet to all staff members covered by the internal justice system

[8] The General Assembly, in its resolution 68/254, decided that the funding of the Office of Staff Legal Assistance would be supplemented by a voluntary payroll deduction not exceeding 0.05 per cent of a staff member's monthly net base salary and that this funding mechanism would be implemented on an experimental basis from 1 January 2014 to 31 December 2015.

[9] General Assembly resolution 72/256, paras. 27 and 28.

and outreach activities by the Executive Director of the Office of Administration of Justice. Data relating to staff contributions to the Office of Staff Legal Assistance and opt-out rates are provided in annex IV to the report of the Secretary-General (A/73/217). With particular respect to the reported high opt-out rates at the United Nations Children's Fund, the Advisory Committee was informed upon enquiry that, following a targeted outreach effort, previous high opt-out rates over 90 per cent up to April 2018 had dropped to 39 per cent in August 2018.

30. **The Advisory Committee notes that, since its establishment by the General Assembly for the biennium 2014–2015,[10] the voluntary supplemental funding mechanism has provided additional funding to supplement the resources of the Office of Staff Legal Assistance. The Committee reiterates its recommendation that the Assembly regularize the voluntary supplemental funding mechanism for the Office. The Committee also encourages the Secretary-General to continue to intensify his efforts to increase awareness of the usefulness of the mechanism (see A/72/7/Add.19, para. 14; A/70/420, paras. 27 and 28; and A/71/436, para. 7).**

III. Activities of the Office of the United Nations Ombudsman and Mediation Services

31. The Office of the United Nations Ombudsman and Mediation Services provides informal conflict-resolution services guided by the core principles of independence, neutrality, confidentiality and informality (see A/73/167, sect. I). The Office opened a total of 3,247 cases[11] in 2017, an increase of 23 per cent over the previous year. Of those cases, 2,579 (80 per cent) originated in the Secretariat, 450 (14 per cent) in the funds and programmes and 218 (7 per cent) in the Office of the United Nations High Commissioner for Refugees (UNHCR). The Secretary-General indicates that, in the Secretariat, an overall upward trend in case volume has been observed over the past eight years, while the funds and programmes and UNHCR have maintained a relatively steady case volume during the same period. A statistical overview of cases and trends is provided in section III of the report of the Secretary-General (A/73/167).

32. **The Advisory Committee reiterates the continued importance of the informal part of the system of administration of justice in taking early action to prevent or limit cases of litigation. The Committee recalls its previous observations that informal resolution is an important part of the system and continues to encourage efforts to increase its use when appropriate (see A/72/7/Add.19, para. 36).**

Remedies available to non-staff personnel at the United Nations

33. In its resolution 72/256, the General Assembly requested the Secretary-General to prepare a comprehensive analysis of the information on the remedies available to non-staff personnel provided in annex II to his previous report on the administration of justice at the United Nations (A/72/204), with a view to informing the discussion at the seventy-third session of the Assembly. The related information is provided in the most recent report of the Secretary-General on the administration of justice (see A/73/217, paras. 96–105). The Secretary-General indicates that, in order to identify ways to further enhance access to grievance-resolution mechanisms for non-staff personnel, it is necessary to take a holistic view of the situation of non-staff within the Organization, including by acknowledging the presence of different types of such personnel (each with its own terms and conditions of service) and the need for

[10] See General Assembly resolution 68/254, para. 33.

[11] Cases include all types of interventions, including mediation.

consistency between the remedies and the rights and obligations commensurate with the particular category of personnel.

34. The report of the Secretary-General provides information on access to remedies available to non-staff personnel at the Secretariat, funds and programmes, specialized agencies and related bodies of the United Nations, including amicable settlement; arbitration; ombudsman and mediation services and management evaluation, in addition to remedies under protection against discrimination, harassment, including sexual harassment, and abuse of authority, as well as protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations under applicable administrative issuances (see A/73/217, paras. 99 and 100).

Access to the services of the Office of the United Nations Ombudsman and Mediation Services

35. The Secretary-General indicates that he has further examined the issue of access of non-staff personnel to ombudsman and mediation services in the Secretariat. The Office of the United Nations Ombudsman and Mediation Services is not mandated to serve non-staff personnel and does so only on an exceptional basis and when feasible within existing resources. In 2017, the Secretariat received 225 cases from non-staff personnel, compared with 152 cases in 2016 (an increase of 73 cases, or about 48 per cent) and 161 cases in 2015. Upon enquiry, the Advisory Committee was informed that, of the 225 cases from non-staff personnel the Office received during 2017, 133 cases emanated from peacekeeping operations and 92 from other offices. The Committee was also informed upon enquiry that, while the terms of reference of the Office did not include a specific mandate for the provision of services to non-staff personnel (see ST/SGB/2016/7), there was already a mandate in place for the Office on selected issues, such as that covering the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority under ST/SGB/2008/5.

36. In his report, the Secretary-General indicates that he proposes to initiate a pilot project that would offer access to informal dispute-resolution services to non-staff personnel as "part of the Office's mandate" (see A/73/167, para. 89). Upon enquiry, the Advisory Committee was informed that this was a proposal for approval by the General Assembly. The Secretary-General further indicates that, should the pilot project lead to an increase in the number of cases from non-staff personnel beyond 350 cases per year,[12] he would be required to seek additional resources for the project to continue (see A/73/167, para. 89; see also A/73/217, paras. 104 and 105).

37. **The Advisory Committee recommends that the General Assembly approve the proposal for the pilot project to offer access to informal dispute-resolution services to non-staff personnel by the Office of the United Nations Ombudsman and Mediation Services and request the Secretary-General to ensure that the pilot project will be undertaken within existing resources. Furthermore, the Committee recommends that the Assembly request the Office to establish, in assessing its workload arising from services to non-staff personnel, not only quantitative indicators such as the number of cases, but also qualitative analysis with respect to the complexity of the cases involved, follow-up actions and the results of the interventions of the Office.**

[12] The Advisory Committee was also informed upon enquiry that the Secretariat had engaged a total of 34,132 individuals under the various non-staff personnel categories during the biennium 2016–2017 (see A/73/79/Add.1).

IV. Other proposals of the Secretary-General

38. The Secretary-General submits other proposals in section IV of his report on the administration of Justice at the United Nations (A/73/217), which are discussed below.

Reporting on the system of administration of justice

39. The Secretary-General proposes that all reports to the General Assembly under the agenda item on the administration of justice be submitted on a biennial basis, with the first biennial reports to be submitted at the seventy-fourth session. The Office of Administration of Justice would, however, continue to issue its own annual activity reports, which would include aggregate data on the work of the Dispute Tribunal, the Appeals Tribunal and the Office of Staff Legal Assistance, as well as summaries of notable legal pronouncements by the Tribunals in the reporting year. The annual activity reports are accessible on the website administered by the Office (www.un.org/en/internaljustice/oaj/activity-reports.shtml) (see A/73/217, paras. 112 and 120 (i)). The rationale for the change of the reporting cycle is explained in paragraph 112 of the report of the Secretary-General, including the fact that the system has been well developed since its inception. The Advisory Committee was informed upon enquiry that, while annual activity reports of the Office had not included statistical information from the Management Evaluation Unit in the past, the Office remained ready to include such information in its future reports should the Assembly so decide.

40. Upon enquiry, the Advisory Committee was informed that, while the General Assembly, in its resolution 62/228 and subsequent resolutions, had acknowledged the evolving nature of the new system and the need to carefully monitor its implementation, the system had substantially developed since its establishment in 2009 through a series of decisions by the Assembly that regulated various matters, including the structure and the mandates of the system, the conditions of service and the codes of conduct for the judges, in addition to a comprehensive review of the system by a high-level interim independent assessment panel in 2015. The Secretary-General is of the view that, with the move to an annual budget cycle, the Assembly will retain annual oversight over the resource requirements of the system, while biennial reporting on substantive matters will allow the Tribunals and constituent offices to enhance efficiencies by redirecting human resources currently invested in the preparation of the annual report and corollary activities to their substantive mandates.

41. **While the Advisory Committee has no objection to future biennial reporting on the administration of justice, it is of the view that the reporting cycle should remain annual at this stage so as to ensure continued close monitoring of the operations of the Tribunals, in particular the potential impact of the proposed permanent judicial positions on the completion of cases. Taking into account that the system of administration of justice addresses employment-related disputes with close linkages to human resources policies and management, the Committee is of the view that future biennial reporting on the system, if approved, should be in tandem with the existing biennial reporting requirements on human resources management.**

Roles of the Secretary-General and the Office of Administration of Justice in the internal justice system

42. The Secretary-General recommends that the General Assembly reaffirm the roles of the Secretary-General and the Office of the Administration of Justice in the

internal justice system as decided by the Assembly in its resolutions 61/261, 62/228, 63/253 and 68/254 (see A/73/217, paras. 109–111 and 120 (h)). Upon request, the Advisory Committee was provided with extensive background in this regard. **The Committee trusts that more details on the matter justifying the need for this action will be provided to the relevant Main Committee and the General Assembly at the time of its consideration of the present report.**

V. Conclusion

43. **Actions to be taken by the General Assembly are set out in paragraph 120 (a) to (l) of the report of the Secretary-General on the administration of justice at the United Nations (A/73/217). Subject to its comments and recommendations in paragraphs 14, 17, 20 to 22, 24, 26, 30, 41 and 42 above, the Advisory Committee recommends approval of the proposals of the Secretary-General that are within the purview of the Committee, as reflected in the above-listed paragraphs.**

44. **Subject to its recommendation in paragraph 37 above, the Committee recommends that the General Assembly approve the proposal of the Secretary-General contained in paragraph 89 of his report on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/73/167).**